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SUBJECT: CHINA: 2009 TRAFFICKING IN PERSONS REPORT

REF: STATE 132759

¶1. (SBU) Please find post's contribution to the 2009 Trafficking in Persons Report. Paragraph designations are keyed to reftel A questions

China's TIP Situation

¶1A. The Ministry of Public Security (MPS) serves as our main source for information on TIP related statistics and government programs. The process by which MPS arrives at its statistics is not transparent and many outside experts and NGOs claim MPS statistics downplay the extent of the trafficking problem in China. The All China Women's Federation (ACWF) and other related organizations supply us with our main source of information on prevention programs and rehabilitation. ACWF information has proven generally reliable in the past.

¶1B. The People's Republic of China (PRC) is a source, transit and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. The majority of trafficking in China occurs within the country's borders, but there is also considerable international trafficking of PRC citizens to Africa, Asia, Europe, Latin America, the Middle East and North America, which often occurs within a larger flow of human smuggling. Chinese women are lured abroad through false promises of legitimate employment and then forced into commercial sexual exploitation, largely in Taiwan, Thailand, Malaysia and Japan. There are also many cases involving Chinese men and women who are smuggled into destination countries throughout the world at an enormous personal financial cost and whose indebtedness to traffickers is then used as a means to coerce them into commercial sexual exploitation or forced labor. Women and children are trafficked to China from Mongolia, Burma, North Korea, Russia, and Vietnam for forced labor, marriage, and prostitution. North Korean women and children seeking to leave their country cross the border into China voluntarily, but some of these individuals, after they enter the PRC in a vulnerable, undocumented status, are then sold into prostitution, marriage, or forced labor.

¶1C. Victims are typically trafficked into situations where their travel documents are confiscated and they are not allowed contact with family members.

¶1D. Women and children, who made up 90 percent of trafficking cases, were often trafficked from poorer, rural areas where they were abducted or

lured to urban centers with false promises of employment and then trafficked into prostitution or forced labor. Migrant laborers, who are vulnerable to exploitation because they often lack official residence permits, are also targets.

¶E. The gamut of organizations involved in trafficking in China runs from international criminal syndicates to local gangs and individuals.

China's Anti-TIP Efforts

¶A. China acknowledges that trafficking in persons is a problem and has developed a National Plan of Action (NPA) to coordinate efforts to combat the problem.

¶B. At least 28 agencies are involved in anti-trafficking efforts. Chief among these are the Ministry of Public Security, the State Council's Work Committee for Women and Children and the All China Women's Federation. In November, MPS held the first Inter-Ministerial Joint Conference System (IMCS) meeting, a ministerial-level joint meeting comprising 28 agencies aimed at coordinating implementation of the NPA between groups.

¶C. Funding limits the government's ability to address trafficking. Local governments are often not allocated enough funding to adequately care for victims or pursue perpetrators. The NPA calls for cooperation among government agencies fighting TIP

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but does not plan for the allocation of resources to local governments for implementation of the plan.

¶D. China still only releases minimal statistics tracking the efficacy of anti-trafficking. The government tracks the number of trafficking related prosecutions and victims, however, it is not clear how many victims were assisted.

Investigation and Prosecution of Traffickers

¶A. China has laws specifically prohibiting trafficking in persons. In addition to Articles 240, 241 and 262 of China's Criminal Code, which directly address trafficking, the following articles refer to the criminalization of various trafficking-related crimes: Articles 134, 135, 244, 262 and 333 address forced labor; Articles 358, 359, 360, 361 and 365 address sexual exploitation; Articles 234 and 238 address violation of a victim's rights while being trafficked; Article 242, 362, 416 and 417 address obstructing rescue operations of trafficking victims; Articles 318, 319, 320, 321, 322 and 415 address transnational trafficking crimes and Articles 23, 26, 27, 28, 30, 31 and 64 address complicity in trafficking crimes.

¶B. Enticing or forcing a woman who has been abducted or trafficked to engage in prostitution is punishable by not less than ten years in prison under Article 240 of the criminal code. The death penalty may be used in especially serious cases.

¶C. China's legal definition of trafficking does not recognize the trafficking of men as a crime. However, Article 244 of the criminal code criminalizes compelling employees to work by limiting their personal freedom. This statute, which carries a penalty of not more than three years in prison and a fine, has been used to prosecute forced male labor. Chinese authorities have had

modest success in protecting victims of forced labor and there have been several recent high-profile cases in which forced laborers have been "rescued" from their employers by authorities in sting operations.

China's Labor Contract Law, which went into effect in January 2008, provides workers and rights defenders new legal tools to hold employers accountable for illegal labor practices, such as preventing workers from exercising their right to leave their jobs. In addition, the State Council and 14 ministries, including the Ministry of Public Security and the Ministry of Human Resources and Social Security, are discussing a revision of China's household registration policy with the aim of increasing legal protection for migrant workers. Migrant workers, estimated by the International Labor Organization (ILO) to number more than 100 million persons, are especially vulnerable to trafficking.

¶D. Rape is illegal in China and some persons convicted of rape have been executed. Article 236 of China's criminal law states that persons convicted of rape will be sentenced to not less than three but not more than ten years. Under some circumstances, including repeat offenses, gang rape, or rape of a minor, the prescribed penalty is not less than ten years and can include life imprisonment or death.

¶E. According to MPS, China investigated 2,566 reported cases of trafficking of women or children. MPS claims to have "solved" 2,282 of these cases although the MPS does not provide detailed statistics describing those cases. In April, state media reported that police dismantled a trafficking ring that was trafficking elementary and middle school students from Liangshan, Sichuan Province, to factories in coastal cities. In June the Fujian Provincial High Court reportedly upheld criminal sentences for a group of men convicted of trafficking more than 130 individuals to various countries from 2002 to 2006. The three ringleaders of the group were sentenced to jail terms of 13, 8 and 5 years. Between February and July, police in Guangdong Province reportedly handled 33 trafficking cases and arrested 57 suspects involved in

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trafficking in persons, 15 of whom were foreign nationals.

In November, police in Fujian Province cracked a trafficking case involving 18 Vietnamese women who had been trafficked to Yunnan, Guangxi and other provinces in China. The women were reportedly sold into marriages in rural communities for RMB 20,000 (approximately \$3,000) to RMB 30,000 (approximately \$4,400) each. In Guizhou Province, state media reported that courts heard a case involving 30 suspects accused of trafficking more than 80 women over a four-year period from Guizhou to Shanxi, Fujian, Zhejiang and other provinces. The women were led to believe they were being provided employment, but instead were trafficked to rural areas for forced marriage.

¶F. China has not officially adopted standardized guidelines for identification of trafficking victims, although guidelines have been developed and are currently being considered for approval. The Ministry of Civil Affairs is working with the International Organization for Migration (IOM) on a training module on identification, protection, recovery and reintegration of trafficking victims

and is planning to implement a pilot project at several of its relief shelters to develop a model program for such services.

IG. China cooperates with other governments in the investigation and prosecution of trafficking cases. In particular, China works with its partners in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) to counter trafficking in Southeast Asia. Southern Chinese provinces often work with neighboring countries to combat trafficking. As an example, law enforcement officers representing Guangxi Zhuang Autonomous Region and Vietnam reportedly meet monthly to discuss joint anti-trafficking measures, as well as other programs to combat cross-border crime. According to the China Law Association, more than 200 Vietnamese women and children trafficked to China have been helped since 2004 through bilateral cooperation on this issue. During the reporting period, China signed memoranda of understanding with Cambodia and Vietnam on law enforcement cooperation. The memoranda covered trafficking cooperation.

IH. There is no extradition treaty between China and the United States. According to MPS, the decision to extradite persons charged with trafficking would be made "according to relevant international conventions and bilateral agreements."

II. There were reports of local officials' complicity in both alien smuggling and in prostitution, which sometimes involved trafficked women. In some cases village leaders sought to prevent police from rescuing women who had been sold to villagers. However, there is no indication that the government sanctions such actions by individual corrupt officials.

IJ. In February 2008, the Central Committee on the Comprehensive Management of Public Security (CCCMPS), China's top public security watch-dog, added anti-trafficking measures to its list of national priorities for maintaining public security. As a result, police facilities around the country, including community and civilian police installations, were reportedly expanded and improved to provide a "safer community environment for the general public." The new priorities also mean that government officials' performance is evaluated against regulations that prohibit complicity in trafficking crimes.

IK. Both prostitution and the purchasing of sex are criminalized under Article 66 of the Law on Public Security Administration Punishments.

IL. To our knowledge, Chinese peacekeepers have not been implicated in sex trafficking while overseas.

IM. China is not a known destination for child sex tourists.

Protection and Assistance to Victims

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IA. China continues to lack comprehensive victim protection services, although it is making efforts to address this deficiency. The NPA calls for strengthening relief and rehabilitation of victims by increasing the number of women and children who receive training, aid and medical treatment, as well as through establishing institutions for relief, transfer and rehabilitation. The NPA further

mandates that rescued women and children should be successfully reintegrated into society and agencies should "strengthen registration, management and protection" by establishing "specialized archives" to track victims' rehabilitation progress.

¶B. The Ministry of Civil affairs is working to develop a program model for victim identification, protection, recovery and reintegration, and plans to double its child relief centers, which often serve as shelters for trafficking victims, to 300 by 2010. The Ministry of Public Security, with the help of UN agencies, continues to operate "transfer centers" along the border with Vietnam and Burma which reportedly provide assistance and rehabilitation services for victims.

¶C. Though no nation-wide victim protection service exists, local government-funded women's federation offices and other women's organizations do provide some counseling on legal rights and rehabilitation, though lack of funding reportedly limits services in some areas. The NPA requires the government to "increase the proportion of rescued women who receive training, assistance, physiological and psychological treatment" as part of efforts to enhance "rehabilitation" of victims. Governments in southern border provinces often rely upon NGOs to identify victims and provide victim protection services due to the lack of resources. Trafficking victims are generally returned to their homes without extensive rehabilitation.

¶D. Although China provides temporary shelter to foreign victims of trafficking, there are no legal alternatives to repatriation. Most foreign victims are therefore returned to their country of origin upon identification. China continues to work together with COMMIT members, especially Vietnam and Burma, on anti-trafficking programs, and uses its Border Liaison Offices (BLOs) in Yunnan and Guangxi Provinces to facilitate repatriation of victims. The government does not provide foreign victims with legal alternatives to removal to countries in which they may face hardship or retribution. Some trafficking victims have faced punishments in the form of fines for leaving China without proper authorization. China continues to treat North Korean trafficking victims solely as illegal economic migrants and has deported victims to North Korea, where they may face severe punishment. China continues to bar UNHCR from access to the vulnerable North Korean population in Northeast China.

¶E. Longer-term care is not provided to victims on a consistent basis nationally. While shelters exist, it is not clear what care they are able to provide. Shelters are often not trafficking specific and so may house victims of domestic abuse or other crimes.

¶F. China continues to lack systematic victim identification procedures to identify trafficking victims among those it arrests for prostitution and to refer them to organizations providing services. It does not have a comprehensive nationwide victim protection service, but has taken some steps to improve intra-governmental coordination and cooperation in vulnerable southern border provinces.

¶G. According to MPS, the total number of trafficking victims identified was 930. More specific statistics were not available.

¶H. China has not officially adopted standardized guidelines for identification of trafficking victims, although guidelines have been developed and are currently being considered for approval. The Ministry of Civil Affairs is working with the

recovery and reintegration of trafficking victims and is planning to implement a pilot project at several of its relief shelters to develop a model program for such services.

II. MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon return. However, authorities acknowledged that some victims continued to be sentenced or fined because of corruption among police, provisions allowing for the imposition of fines on persons traveling without documentation, and the difficulty in identifying victims.

Trafficking victims often lacked proper identification, which made it difficult to distinguish them from persons who illegally crossed borders. MPS trained border officials to spot potential victims of trafficking, and MPS opened two border liaison offices on the Burma and Vietnam borders to process victims. However, the ACWF reported that ongoing problems required intervention to protect trafficking victims from unjust treatment.

IJ. Post does not know of any programs to encourage victims to assist in the investigation and prosecution of traffickers.

IK. See F, H and I above for discussion of victim identification.

IL. China lacks comprehensive national programs for victim rehabilitation including repatriated nationals. However, some NGOs have partnered with local government agencies, women's federations and the Civil Affairs Bureau to develop programs to fill this need. Save the Children UK (SCUK) has implemented programs in Yunnan province aimed at assisting trafficking victims following their repatriation to China.

IM. NGOs such as Save the Children UK, the International Labor Organization and UNICEF all run projects in China to assist trafficking victims. These organizations usually work with women's federations, the Ministry of Civil Affairs or MPS to run shelters for victims and provide training for officials and vulnerable groups. For example, in 2007, UNICEF partnered with the Kunming Public Security Bureau to establish a shelter for victims and provide psychological consultation.

Prevention

IA. China is making strides to increase public awareness of the trafficking issue. The NPA stipulates that the government "increase the dissemination of anti-trafficking information, training and education" in key areas and with at-risk populations, as well as with the general public and law enforcement officials. Hotlines for victims of trafficking and trafficking-related crimes are set up across the country in various provinces, cities and counties, and are maintained by government agencies, associations or youth organizations. Targeted public awareness campaigns continue in various regions, building on the success of the All China Women's Federation (ACWF) "Spring Rain" campaign, held in February 2007, in which information on trafficking prevention and safe employment was disseminated to young female migrant

workers during the spring migration season across five provinces. Such campaigns usually aim to reach young, female audiences, considered the most vulnerable to trafficking in China.

IB. The Chinese government did not provide information on any efforts to monitor immigration and emigration patterns for evidence of trafficking.

IC. MPS led the first Inter-Ministerial Joint Conference System (IMCS) meeting in October. The meeting comprised 28 agencies and was a follow-up to several preparatory meetings on implementing the NPA held in June and September. Participants discussed rules and regulations, as well as ministerial responsibilities for implementing the NPA and reviewed problems and difficulties encountered since January.

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ID. China's National Plan of Action on Combating Trafficking in Women and Children was released by the State Council in December of 2007 and took effect on January 1, 2008. During the reporting period, China took steps to implement the plan including drafting regulations and rules and delegating responsibilities among the 28 ministries involved.

IE. Post is not aware of the Chinese government taking any measures to reduce demand for commercial sex acts.

IF. Post is not aware of the Chinese government taking any measures reduce the participation in international child sex tourism by nationals of the country.

IG. China's peacekeepers deployed abroad are kept under tight supervision to ensure that no opportunity for illegal activity of any kind exists. Post is unaware of any instances of Chinese peacekeepers being implicated in trafficking.

POINT OF CONTACT

I3. (SBU) The point of contact for this submission is Political Officer Brooke Spelman, tel.: 86-10 8531-4381; fax: 86-10 8531-3525. Estimated hours spent preparing this submission: 90. (Thirty hours to compile and edit the above material and sixty hours in the field obtaining information.)
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